IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2673 OF 2005

Dilip B.Mandal ...Applicant

Versus

Union of India & Ors. ...Respondents

.....

Mr.Yogesh Rohira for Applicant.

Mr.H.V.Mehta for Respondents 1 & 2.

Mr.K.V.Saste, A.P.P. for Respondent No.3.

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CORAM: A.M.KHANWILKAR, J.

APRIL 25, 2005.

P.C.

1. It appears that the Applicant had offered surety who is his real brother. The surety tendered ration card, election card, driving license, agreement of room; where he is residing, Form No.16 reflecting his income and salary certificate.

2. The Magistrate has, however, rejected the surety by observing that it is not proper surety. No specific reason as to why the surety is not

proper has been spelt out. The agreement in respect of the room purchased by the Applicant's brother indicates the consideration of Rs.80,000/- (Rupees Eighty Thousand).

3. In the circumstances, in my opinion, the supporting documents produced by the surety, does indicate that it can be accepted as surety of Rs.75,000/- (Rupees Seventy-five Thousand). If the surety so offered by the Applicant is to be accepted, it will not be necessary to modify the condition of bail by reducing the bail amount of Rs.75,000/- (Rupees Seventy-five Thousand).

4. The concerned Magistrate is directed to examine the surety afresh and pass appropriate orders and impose such conditions, as may be warranted in the fact situation of the case.

5. Application disposed of on the above terms.

6. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.